

## Message Text

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ORIGIN SCI-06

INFO OCT-01 ARA-16 ADP-00 NASA-04 L-03 RSC-01 EUR-25

ACDA-19 CIAE-00 DODE-00 PM-07 INR-10 NSAE-00 NSC-10

/102 R

DRAFTED BY SCI/SAM:WGBASTEDO:LAM

7-13-73 EXT 23622

APPROVED BY SCI/SAM:WGBASTEDO

NASA/I:SANDREWS

L/SCI:EMAURER

ARA/BR:DMCLAIN (INFO)

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R 131740Z JUL 73

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA

UNCLAS STATE 137513

E.O. 11652 N/A

TAGS: TSPA, BR

SUBJ: PROPOSED MOU BETWEEN NASA, BMFT (GERMANY) AND INPE  
(BRAZIL)

1. IT HAS BEEN PROPOSED THAT NASA, BMFT AND INPE CONSUMM-  
ATE A MEMORANDUM OF UNDERSTANDING TO CONDUCT A SOUNDING  
ROCKET RESEARCH PROJECT FROM THE BARREIRA DO INFERNO RANGE  
AT NATAL IN THE FALL OF 1973.

2. INCLUDED IN THE PROPOSED MOU IS A PROVISION PERTAINING  
TO LIABILITY THAT READS AS FOLLOWS: QUOTE THE BMFT, INPE  
AND NASA SHALL BEAR FULL RESPONSIBILITY FOR ANY DAMAGE TO  
THEIR RESPECTIVE NATIONALS IN THE COURSE OF THIS COOPER-  
ATION. IN THE EVENT OF DAMAGE TO NATIONALS OF COUNTRIES  
WHICH ARE NOT PARTIES TO THIS COOPERATIVE AGREEMENT, FOR  
WHICH DAMAGE THERE IS LIABILITY UNDER THE PRINCIPLES OF  
INTERNATIONAL LAW OF THE TREATY GOVERNING THE ACTIVITIES  
OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLU-  
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DING THE MOON AND OTHER CELESTIAL BODIES, THE BMFT, INPE

AND NASA AGREE TO CONSULT PROMPTLY ON AN EQUITABLE SHARING OF THE PAYMENTS FOR ANY SETTLEMENT REQUIRED. IF AGREEMENT IS NOT REACHED WITHIN 180 DAYS, THE THREE AGENCIES WILL ACT PROMPTLY TO ARRANGE FOR EARLY ARBITRATION TO SETTLE THE SHARING OF SUCH CLAIMS FOLLOWING THE 1958 MODEL RULES ON ARBITRAL PROCEDURE OF THE INTERNATIONAL LAW COMMISSION. UNQUOTE

3. DEPARTMENT NEEDS ASSURANCE THAT INPE IS AUTHORIZED BY GOB TO COMMIT ITS GOVERNMENT TO PROVISIONS OF THE ABOVE QUOTE LIABILITY CLAUSE. POST IS REQUESTED TO ASK FOR AND REPORT SUCH ASSURANCES IN ANY MANNER CONSIDERED BY POST AS REPRESENTING GOVERNMENT BACKING OF COMMITMENT MADE BY INPE IN PROPOSED MOU LIABILITY.

4. IF INPE IS NOT AUTHORIZED TO SPEAK FOR GOB IN AGREEING TO LIABILITY PROVISION, THE PROPOSED MOU CAN BE CONFIRMED BY EXCHANGE OF DIPLOMATIC NOTES AT THE TIME OF SIGNING OF MOU. TEXT AND AUTHORIZATION FOR SUCH AN EMBASSY NOTE WILL BE FORWARDED LATER IF NECESSARY.

5. AS THIS PROJECT SHOULD COMMENCE THIS FALL, SHIPMENT OF ROCKETS AND ASSOCIATED EQUIPMENT MUST START THIS SUMMER. THEREFORE DEPARTMENT SEEKS ANSWER AS SOON AS POSSIBLE. RUSH

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 JUL 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Review Authority:** kelleyw0  
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**Review Transfer Date:**  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PROPOSED MOU BETWEEN NASA, BMFT (GERMANY) AND INPE (BRAZIL)  
**TAGS:** TSPA, BR  
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